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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/646,676

08/22/2003

James Prescott

24325-0001-U1

1016

26587

7590

05/10/2006

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EXAMINER

DUNHAM, JASON B

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 05/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/646,676	Applicant(s) PRESCOTT, JAMES	
	Examiner Jason B. Dunham	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 26 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/22/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 rejected under 35 U.S.C. 103(a) as being anticipated by Nakfoor (U.S. Patent No. 6,496,809) in view of Reference U (Ticketmaster; see sheet PTO-892 dated 9/30/05).

Referring to claim 1. The combination of Nakfoor and Reference U discloses an Internet-based system for purchasing items on-line, comprising:

- A remote terminal, wherein said remote terminal is used by at least one consumer, and wherein said remote terminal further comprises Internet access (Nakfoor: abstract, figure 1);
- An on-line, Internet accessible, purchasing system, wherein said purchasing system further comprises a server, a system database located on said server, and wherein said system database is in communication with said remote terminal and stores both consumer information and ticket and merchandise information (Nakfoor: column 2, lines 40-65 & figure 2);
- A user interface between said remote terminal and said on-line purchasing system for allowing the exchange of information and commands between said

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remote terminal and said on-line purchasing system (Nakfoor: column 3, lines 30-50);

- At least one source system in communication with said on-line purchasing system for allowing vendors of tickets or merchandise to sell items on-line, wherein said source system further comprises a source database for storing current ticket and merchandise information (Nakfoor: column 3, lines 30-50);
- A communication interface between said on-line purchasing system and said source system for allowing data exchange between said system (Nakfoor: column 3, lines 30-50);
- Software means located on said server for allowing said at least one consumer to pre-register with said purchasing system by entering personal contact information and transactional information regarding desired purchases into said purchasing system database, and wherein said software means prioritizes said personal contact information and transactional information based on said pre-registration (Reference U: page 3);
- Software means located on said server for allowing said on-line purchasing system to monitor said source system for current ticket or merchandise information and communicate said information back to said on-line purchasing system (Nakfoor: column 3, lines 30-50);
- Software means located on said server for allowing said on-line purchasing system to execute the purchase of tickets or merchandise from said source

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system based on said current information (Nakfoor: column 4, line 63 – column 5, line 20); and

- Software means located on said server for allowing said source system to communicate with said remote terminal to indicate the completion of said purchase to said consumer (column 2, lines 28-39 & figure 1).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the system of Nakfoor to have included pre-registration by users, as taught by Reference U, in order to allow personalization of information to customers (Reference U: page 3).

Referring to claim 2. The combination of Nakfoor and Reference U further discloses a system comprising software means located on said server for allowing said on-line purchasing system and said source system to communicate with a financial institution for the purpose of completing a credit card transaction (Nakfoor: column 5, lines 9-20).

Referring to claim 3. The combination of Nakfoor and Reference U further discloses a system wherein said software means located on said server for allowing said on-line purchasing system to monitor said source system for ticket or merchandise information and communicate said information back to said system database is a "BOT" (Nakfoor: column 2 lines 28-39). The examiner notes that applicant describes a "BOT" as automated software for monitoring and purchasing on-line products. Nakfoor describes a system capable of searching venue databases for ticket information and allowing the purchase of said tickets.

Referring to claims 4-5. Claims 4-5 are rejected under the same rationale as set forth above.

Response to Arguments

The IDS filed August 22, 2003 has been considered by the examiner and returned initialed with this office action. The examiner notes that the IDS dated February 16, 2004 was returned with the first office action dated September 30, 2005 and contained all of the references in the August 22, 2003 IDS.

The drawings filed on January 26, 2006 by the applicant have been accepted by the examiner and the previous objection has been vacated.

Applicant's amendments to claims 1-5 have been entered and the 35 U.S.C. 112 rejection has been vacated.

Applicant's remarks concerning the rejection of claims 1-5 under 35 U.S.C. 102(b) are moot in view of the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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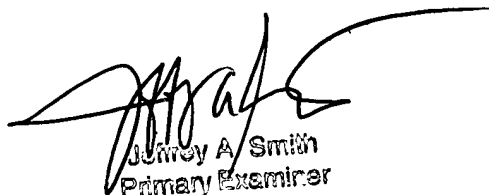
mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason B. Dunham whose telephone number is 571-272-8109. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JBD
Patent Examiner
5/1/06



Jeffrey A. Smith
Primary Examiner